

Anniston, Alabama

August 20, 2019

The City Council of the City of Anniston, Alabama, met in Regular Session in the Council Chambers in the City Hall of the City of Anniston, Alabama, on Tuesday, August 20, 2019, at approximately 5:30 o'clock p.m.

David Reddick, Council Member, prayed the Invocation.

David Reddick, Council Member, led the Pledge of Allegiance to the Flag.

Mayor Draper called the meeting to order. On call of the roll, the following Council Members were found to be present: Council Members Jenkins, Reddick, Little, Harris, and Draper, absent: none. A quorum was present and the meeting opened for the transaction of business.

Steven Folks, Interim City Manager, was present.

Bruce Downey, City Attorney, was present.

Council Member Reddick made a motion to waive the reading of and approve the minutes of the August 6, 2019 regular meeting. The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried.

Mayor Draper made a motion to approve the agenda with the addition of a Resolution Authorizing Execution, Dedication and Recordation of instruments, plats, dedications, affidavits, certifications, notices, petitions, indemnities, agreements or other documents needed to perform, complete and close the real estate exchange agreement with the Administrator of General Services. The motion was seconded by Council Member Jenkins, and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the amended agenda was approved.

Mayor Draper opened a public hearing for Board Confirmation of Sarah Ballard to the Longleaf Botanical Garden Board. Mayor Draper closed the public hearing.

Council Member Jenkins made a motion to approve the consent agenda:

- (a) Resolution authorizing reimbursements to City Officials for expenses incurred while traveling away from the City. (19-R-185)
- (b) Resolution appointing a member to the Longleaf Botanical Gardens Board. (19-R-186)
- (c) Motion to approve the bid for a purchase of a Ford f-150 Regular Cab Style Side pickup to Sunny King Ford in the amount of \$23,525.00 for Parks and Recreation.
- (d) Motion to award a bid for emergency demolition of one (1) substandard structure at 405 "A" street to EMTEK Excavation in the amount of \$6,700.00.

The motion was seconded by Council Member Harris and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and the consent agenda was approved.

Mayor Draper made a motion to approve a Retail Beer (Off Premises Only) and Retail Table Wine (Off Premises Only) for NOOOR LLC d/b/a Model City Market 2 located within the City limits at 1500 Quintard Avenue. The motion was seconded by Council Member Jenkins and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Harris, and Draper; nays: none; abstentions: Council Member Little. The motion carried.

Council Member Little made a motion to authorize Louise Campbell to make a request to the U.S. Department of Interior, National Park Service to use \$250,000.00 from the Grant Program: African American Civil Rights Grant awarded for the Anniston Freedom Riders Monument to go towards the Civil Rights Museum and Health Institute. The motion was seconded by Mayor Draper.

Council Member Harris stated that she has written many grants over the years and that they are very specific and she has never heard of asking for money from one grant to be used somewhere else. She stated that she is offering herself to do research for the Satcher Health Institute to find sources of income, once a plan is in place.

Council Member Reddick stated that they do it all the time with CDBG and Home Funds, relocating funds. He stated that it is just asking and that this is a great opportunity for the City; and the worst-case scenario is they say no.

Mayor Draper stated that he is favor of pursuing a Satcher Health Institute and while they may say no, he agrees with the proposition and at this point it does not hurt to ask. He stated that he does not think asking would affect their ability to secure other grants.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, and Draper; nays: Council Member Harris. The motion carried.

Bruce Downey, City Attorney, read and introduced Resolution 19-R-187, A Resolution Opposing the Deannexation by Local Act of the Legislative Proposed by Forward 4 All:

#### **RESOLUTION NO. 19-R-187**

##### **A RESOLUTION OPPOSING THE DEANNEXATION BY LOCAL ACT OF THE LEGISLATURE PROPOSED BY FORWARD 4 ALL**

WHEREAS, Forward 4 All, Inc. is a domestic non-profit corporation formed in Calhoun County, Alabama, and it is pursuing an unprecedented, irresponsible agenda calling for the large-scale de-annexation of the property comprising Ward 4 of the City of Anniston, along with other select portions of Wards 1 and 3 of the City together with the annexation of this property into the City of Oxford;

WHEREAS, Alabama law provides a process whereby property can be de-annexed from a municipality that affords the affected citizens the opportunity to be heard and, when there is reasonable opposition, the right to vote in an election for or against the proposed alteration of the corporate limits;

WHEREAS, this statutory procedure provides the City's governing body, through its elected representatives, the opportunity to review the proposed reduction in the corporate limits to determine, at the outset, whether it will further the public health and public good for all the City's citizens, rather than a just a segment of its citizenry;

WHEREAS, in order to avoid the will of the people of the City of Anniston, particularly those who will suffer the devastating effect of its agenda and those who are concerned about the interests of those so effected, among others, Forward 4 All has announced its intention to accomplish the proposed de-annexation by local act of the Legislature of Alabama, rather than submit its proposed de-annexation to the City's governing body and elected representatives;

WHEREAS, the Council for the City of Anniston recognizes the Legislature's plenary power in matters such as the reduction or addition of a municipality's corporate boundaries, but the power is not limitless and must not be exercised in violation of the State and Federal Constitutions;

WHEREAS, the de-annexation proposed by Forward 4 All would cripple the City of Anniston's tax base, depriving the City of necessary property taxes, sales taxes, license and privilege taxes and gas taxes, among other sources of revenue, and the de-annexation would leave the City's creditors without effective recourse for the collection of debts owed to them and, in this regard, the de-annexation by local act of the Legislature must unconstitutionally impair the obligation of contracts existing between the City and its creditors;

WHEREAS, the proposed de-annexation, if accomplished, would so significantly alter and reduce the City of Anniston's revenues that it must substantially impair, if not destroy, the City's ability to meet its existing financial obligations to those retired from its employment, through pension and health plans, and those persons and entities who have been contractually incentivized to locate or expand this businesses and industries within the City;

WHEREAS, the proposed de-annexation would further necessitate new and increased taxes on those remaining in the City, as well as a reduction in the services provided to them, in an effort to offset the substantial losses imposed by arbitrary and capricious removal of more than an entire ward of the City, and those remaining citizens would be denied due process and equal protection under the law;

WHEREAS, the proposed de-annexation would arbitrarily and discriminatorily debase and dilute the voting rights of the citizens of the City of Anniston;

WHEREAS, the proposed de-annexation would cause irremediable damage to the City of Anniston's public schools, considering the loss of population and funding, and it would enhance the vestiges of racial discrimination within the system;

WHEREAS, the citizens of the areas to be de-annexed under Forward 4 All's proposal chose by their own volition to live within the City of Anniston, each for their own reasons, and the overwhelming majority of those citizens are committed to and vested in the City and its future, rather than the City's destruction through mass de-annexation by local act of the Legislature;

WHEREAS, Forward 4 All speaks for itself and its members, only, and it does not speak for the citizens of this city who do not desire to achieve their own, discreet interests at the expense of the public good and the well-being of their neighbors and community;

NOW THEREFORE, BE IT RESOLVED by the Council for the City of Anniston, Alabama as follows:

The Council formally declares its opposition to the reckless, haphazard and blatantly short-sighted proposal being advanced by Forward 4 All, Inc. calling for the unprecedented and unconstitutional de-annexation of at least one-quarter of the land within the City of Anniston's corporate limits and nearly

one-half of the City's population. The Council further declares that it will take all actions necessary to defend and protect the City of Anniston and its citizens from the unconstitutional, existential threat presented by Forward 4 All's proposed mass de-annexation. The Council invites and encourages those citizens of the City who may be concerned about the City's progress and future to get involved and help make Anniston, Better for All.

PASSED and ADOPTED on this the 20<sup>th</sup> day of August, 2019.

CITY COUNCIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor

By:/s/ Jay Jenkins, Council Member

By:/s/ David Reddick, Council Member

By:/s/ Ben Little, Council Member

By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-187. The motion was seconded by Council Member Harris.

Council Member Little made a motion to amend Resolution 19-R-187 to add the Counsel authorizes the City Manager to employ special counsel as needed to aid in the City's opposition to deannexation by local legislative act. The motion was seconded by Mayor Draper and on call of the roll, the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, and Draper; nays: Council Member Harris. The motion carried and Resolution 19-R-187 was amended.

Council Member Reddick stated that the resolution was well written and articulated what everyone was thinking and he appreciates that. He thanked Bruce Downey, City Attorney, for it being well written.

Council Member Harris stated that she believes the resolution was well written and covered a lot of bases. She stated that there were unintended consequences that people did not think about when they initiated this and that this would be devastating to the city in many ways so she is totally in support of this resolution. She stated that hiring an attorney now is premature which is why she voted no on the amendment.

Council Member Little stated that they did not know that this action was as far along as it is now, so all this is doing is empowering the City Attorney to get someone in place; proactive opposed to being reactive and they are monitoring the situation. He stated that just as they were being proactive about the animals being sold in the city, this is just as important. Council Member Little stated that the Mayor's leadership on this matter should be commended.

Mayor Draper stated that this was be devastating to the City's Police and Fire Retirees, people who worked hard their whole employment life and they owe it to them; and it is also unfair to the City's RDA retirees and this would cripple public safety in the city currently. He thanked Mr. Downey for drafting this resolution and Council Member Little for his comments.

Council Member Little stated that this was a good resolution put together and thanked Bruce Downey.

Council Member Jenkins stated that he agrees that this is an excellently written resolution and he appreciates Bruce Downey, City Attorney, for his hard work; He stated he agrees with Council Member Little that they would be foolish to think this is over because they passed this resolution. It is important to get to the root of what drove this group to want to achieve this end and they need to address these issues as a community.

And on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-187 was passed and adopted.

Bruce Downey, City Attorney, introduced Resolution 19-R-188, A Resolution Authorizing Execution, Dedication and Recordation of instruments, plats, dedications, affidavits, certifications, notices, petitions, indemnities, agreements or other documents needed to perform, complete and close the real estate exchange agreement with the Administrator of General Services:

#### **Resolution 19-R-188**

#### **A Resolution Authorizing Execution, Dedication and Recordation of instruments, plats, dedications, affidavits, certifications, notices, petitions, indemnities, agreements or other documents needed to perform, complete and close the real estate exchange agreement with the Administrator of General Services**

WHEREAS, by Ordinance No. 19-O-9, published in the Anniston Star on July 19, 2019, the council declared certain real property as surplus to the needs of the City of Anniston, namely:

Block 148 Subdivision as found in the Office of Probate of Calhoun County, Alabama in Plat Book JJ, Page 12;

WHEREAS, the council further directed the Mayor to execute a deed to said real property conveying the City's right and title to the same in accordance with the Real Estate Exchange Agreement (the "Agreement") by and between the City and the United States Administrator of General Service ("GSA");

WHEREAS, in accordance with the Agreement, the City is obligated to consolidate the parcels comprising the "City Land," as defined by the Agreement, into one parcel with a new legal description prior to closing;

NOW THEREFOR, BE IT RESOLVED by the Council for the City of Anniston, Alabama as follows:

Section 1. The Mayor is expressly authorized, on behalf of and in the name of the City, to sign, execute, and record any instruments, plats, dedications, affidavits, certifications, notices, petitions, or other documents, of any nature, that are necessary to consolidate the parcels comprising the City Land into one parcel with a new legal description.

Section 2. The Mayor is expressly authorized, on behalf of and in the name of the City, to sign, execute, and record any instruments, plats, dedications, affidavits, certifications, notices, petitions, indemnities, agreements, or other documents, of any nature, that are needed to undertake, execute, deliver and perform the City's conditions and obligations under the Agreement, to cure any objections to title asserted by GSA, to deed and convey the City's title to the City Land, and to take such actions that are necessarily or fairly implied in, or incident to the express authorities granted to the Mayor herein or by any prior ordinance or resolution of the Council.

Section 3. The Council does hereby approve, adopt, authorize, direct, ratify, and confirm all prior and proceedings taken, and instruments, agreements, documents, and notices executed and delivered by the Mayor or any officer of the City in connection with or in furtherance of the City's agreements, conditions, and obligations under the Agreement and the City's deed and conveyance of the City Land to GSA, together with all actions and matters that were necessarily or fairly implied, or incident to the same.

Section 4. This resolution shall take immediate effect upon its passage and adoption.

PASSED and ADOPTED on this the 20<sup>th</sup> day of August, 2019.

CITY COUNIL OF THE CITY OF ANNISTON, ALABAMA

By:/s/ Jack Draper, Mayor  
By:/s/ Jay W. Jenkins, Council Member  
By:/s/ David E. Reddick, Council Member  
By:/s/ Ben Little, Council Member  
By:/s/ Millie Harris, Council Member

Mayor Draper made a motion for passage and adoption of Resolution 19-R-188. The motion was seconded by Council Member Jenkins and on call of the roll the following vote was recorded: ayes: Council Member Jenkins, Reddick, Little, Harris, and Draper; nays: none. The motion carried and Resolution 19-R-188 was passed and adopted.

Candace Williams, 1127 Ferron Ave, addressed the council on the police arresting her boyfriend for possession of a firearm that was in her home without a search warrant.

Glen Ray, 3514 Dale Hollow Road, addressed the council that this is what happens when they are not taking care of their people. He stated that the housing authority, is annexing kids out of the Anniston school system by giving them vouchers and the one thing that the Forward For All did was get the counsel to work together.

Richard Jackson, 2317 Noble Street, addressed the council, using a deck of playing cards, which everything needs to be distributed equally amongst the councilmembers and the wards.

Emma Fontroy, asked the council why the Housing Authority tore the apartments down at Cooper Homes without a plan in action. She stated that she wants the Council to renovate Anniston and treat citizens as family.

Council Member Harris stated that as tragic as this deannexation is they need to address the underlying reasons, which caused this group to be dissatisfied; and this gives Anniston the opportunity to reinvent themselves. She stated that there is great potential if they could work together as a region and not compete against one another.

Council Member Little stated that he voted for the resolution with GSA in the spirit of cooperation tonight and went along with it; and that they are going to deal with the Housing Authority and there are

some plans to repopulate West Anniston and South Anniston. He thanked Bruce Downey for his work on the resolution and the counsel for the support.

Council Member Reddick had no comment.

Council Member Jenkins thanked Mr. Folks for his hard work in the transition to the temporary location and his leadership with both the City as a whole; and with PARD ,Mr. Burroughs, the Anniston football teams faired verily well at all levels at McClellan. He stated that Museum Day is Saturday August 24, 2019, and it will be the 89<sup>th</sup> anniversary of the museum.

Mayor Draper stated that they should take this issue as a wakeup call and they do have issues that they have to deal with but his hope is that they can deal with those issues together as one City and not divide themselves in the hope of resolving these issues. He stated that this is a great place full of great people and God has blessed them with tremendous natural beauty and a philanthropic spirit.

There being no further business to come before the council at that time Mayor Draper made a motion the meeting be adjourned. The motion was seconded by Council Member Jenkins; and on call of the roll, the following vote was recorded: ayes: Council Members Jenkins, Reddick, Little, Harris and Draper nays: none. The motion carried and the meeting was adjourned at approximately 6:14 o'clock p.m.